

## HELPFUL INFORMATION: HOW to FILE a RESPONSE to A PETITION for DIVORCE

**IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** Domestic violence can be part of any marriage. Domestic violence includes physical violence such as hitting, slapping, pushing or kicking **or** threats of physical violence directed against you and/or your children **and/or** verbal abuse used to control you and/or your children.

Court documents request your address and phone number. If you are a victim of domestic violence, and you do **not** want your address to be known to protect yourself or your children from further violence, you **must file** a **“Request for Protected Address”** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your divorce papers. Just write "protected" in the space on the form where you are asked for this information. You must tell the Clerk of the Court your address and phone number as soon as possible so the Court can get in touch with you. The Court will keep your address protected.

**PAPERS YOU SHOULD HAVE RECEIVED with this PETITION:** You should have received the following papers. If one or more papers are missing, you may obtain copies of the papers from the office of the Clerk of the Superior Court, at any Maricopa County Superior Court Location.

1. **SUMMONS:** A summons is a legal notice to you that a court action against you was filed in the court issuing the summons. It also notifies you and that a judgment will be taken against you if don't answer the complaint or petition within a certain time.
  - The summons also tells you how many calendar days you have to file a response, depending on how you were served with the court papers.
  - Be sure to file a **WRITTEN RESPONSE** on time.
  - If the time for you to file a **WRITTEN RESPONSE** has passed, the other party may complete an **Application and Affidavit for Entry of Default** and send you a copy. Then you have 10 more days in which to file your **WRITTEN RESPONSE**.
  - If you do not file a **WRITTEN RESPONSE ON TIME** a default judgment may be entered, and you miss your opportunity to tell the judge your side of the story.
2. **PETITION for DISSOLUTION (Divorce):** This is the form the other party completed to request a divorce, and tell the Court his/her side of the story about the marriage, property and/or debt, spousal maintenance, minor children, pregnancy, child support, parenting time, and family living situation. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:
  - A. **Do nothing.** This means the other party can tell the judge his/her side of the story, and get a court order without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court papers and proceeding which results in a court order that you had no input on. See a lawyer for help before you choose this option.
  - B. **Work together. Decide with the other party** how you want to handle everything about the property and/or debt, spousal maintenance, minor children, pregnancy, child support, child parenting time, and legal decision-making. Then you and the other party file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation**. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you.
  - C. **Disagree with the court papers and file a RESPONSE stating your side of the story, and how you want to handle the issues.** This is called a “contested” matter. But, even if you originally file a response, you and the other party can decide to agree on something, or everything, and file court papers for a **Consent or Stipulation**. Mediators can help you with this, and the Law Library Resource Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

3. **PRELIMINARY INJUNCTION:** This is an order from the Court to both spouses about what you CAN and CANNOT do with property, minor children, and other issues while the Divorce petition is pending. If you or your spouse do not obey this order, the party who disobeys it can be in serious trouble with the court. If your spouse disobeys the order, see a lawyer for help on what to do. The Law Library Resource Center has a list of lawyers who will help you help yourself, and this list tells how much they charge to help you.
4. **AFFIDAVIT Regarding MINOR CHILDREN:** This form is required for all legal decision-making (legal custody) cases.
5. **PARENT INFORMATION PROGRAM ORDER and NOTICE:** These papers are important. You and the other parent must attend and complete a class in the Parent Information Program. The class was designed to help you parent your child through and beyond the court process. The purpose of the Parent Information Program is to give parents information about the impacts that divorce, the changes in the family unit, and court involvement have on minor children involved in a divorce, paternity, or legal decision-making (legal custody) case. This Order and Notice applies to all parents who file an action for dissolution of marriage, legal separation, or any paternity proceeding, in which a party has requested that the Court determine legal decision-making (legal custody) or parenting time on or after January 1, 1997, and to all other domestic relations cases if ordered by the Court. Make sure you read this order and notice and do what it says.
6. **NOTICE of your RIGHTS about HEALTH INSURANCE COVERAGE:** This is an important legal notice. Your rights to health insurance coverage could be affected after your divorce is final. Read this notice carefully. If you do not understand this notice, you should call an attorney for advice about your legal rights and obligations.
7. **NOTICE REGARDING CREDITORS:** Arizona law requires all actions for divorce or legal separation to include a Notice regarding the parties' responsibilities for community debts. This Notice provides you or your spouse the form to request account information from creditors about debt owed by you or your spouse.
8. **PARENTING PLAN:** This plan is a detailed plan that says how decisions will be made and when the child will be with each parent. The parenting plan may be developed by the parents, through mediation, with the help of court staff, lawyers, or by a judge after a trial or hearing.
9. **CHILD SUPPORT WORKSHEET:** This is the amount of child support that the other party believes the Court should order for the minor child(ren) including all of the information that the other party used to calculate the amount of child support owed.

**WHEN MUST YOU FILE YOUR RESPONSE?** If you decide to file the response, you have a limited time to file it. A **calendar** is helpful for you to find the last day you may respond.

- **LOOK AT THE TIME TABLE BELOW.** The first column, "**SERVICE BY**" shows the ways you may be served the court papers. In this column, find how you were served the Petition and Summons.
- **LOOK to the NEXT COLUMN called "COUNT"** (Across from the way you were served). Find the number of days. This is the amount of time you have to respond.
- **LOOK AT THE LAST COLUMN, titled "EVENT".** On a calendar, begin counting on the day after the date of the **EVENT**. End your calendar count using the number of days to respond. The calendar day you end on will be the **DATE**, which is your last day to respond. If the last day to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day. Your last day to respond would be the next day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** -- until you reach the number of days in the Timetable below. If a written response is filed with the court on time, the Party A **CANNOT PROCEED BY DEFAULT**.

---

### TIMETABLE: TIME to RESPOND

<u>SERVICE BY</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance in Arizona	20 Days	after you signed the Acceptance
Acceptance out-of-state	30 Days	after you signed the Acceptance
Signature with Confirmation	20 Days	after you signed the Confirmation
Signature with Confirmation out of state	30 Days	after you signed the Confirmation
Process Server in Arizona	20 Days	after you received papers from Server
Process Server out-of-state	30 Days	after you received papers from Server
Sheriff in Arizona	20 Days	after you received papers from Sheriff
Sheriff out-of-state	30 Days	after you received papers from Sheriff
Publication in Arizona	50 Days	after the 1st date of publication
Publication out-of-state	60 Days	after the 1st date of publication

---

**WHEN may a PARTY bring a DISSOLUTION CASE with CHILDREN, IN THE SUPERIOR COURT in ARIZONA?** Generally a party must have resided in Arizona with the minor children for at least 6 months; or the minor child must have been born in Arizona if the minor child is less than 6 months old. If you have questions regarding this requirement, see a lawyer before filing.

### WHEN can you BE SUED in ARIZONA for DISSOLUTION?

A party can be sued in Arizona in a case about divorce, if at least **ONE** of the following is true:

- The person being sued is a resident of Arizona;
- The person was personally served in Arizona (See packet on service to know about this.);
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the minor child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the minor child;
- The minor child lives in this state as a result of the acts or directions of the person;
- The person had sexual intercourse in this state as a result of which the minor child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

**WARNING:** Jurisdiction over the responding party is very serious. If you have any doubts about whether it was proper for you to be sued in Arizona, you should see a lawyer **IMMEDIATELY, BEFORE** you file any written response, answer or other court paper.